E-FILED
Rachel Dombrowski, Clerk
Appellate Court of Maryland
3/17/2025 4:46 PM

In the

Appellate Court of Maryland

No. ACM-REG-1325-2024

September Term, 2024

JUSTIN KYLE HOLDER

Appellant,

v.

WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS, ET AL.,

Appellees.

Appeal from the Circuit Court for Washington County, Maryland
(Hon. Judge Richard E. Jordan)

RECORD EXTRACT – VOLUME 5A

Jacob I. Weddle, Esq.
CPF NO. 0712120390
REMUS, WEDDLE & CAVENEE, LLC
18 WEST CHURCH STREET, SECOND FLOOR
FREDERICK, MARYLAND 21701
(301) 206-5770
jweddle@rwclawyers.com
Counsel for Plaintiff/Appellant

Record Extract
ACM-REG-1325-2024
Sept. Term 2024; No. 1325

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Re: Public information request from Justin Holder

Bright, Andrew <abright@washco-md.net>
Tue 8/4/2020 4:18 PM

To: McCarty, Rachael <rmccarty@washco-md.net>
Cc: Desaulniers, Kendall A. <kdesaulniers@washco-md.net>

1 attachments (210 KB)
8.4.20 Reponse to 8.3.20 PIA (1).docx;

Rachael,

See edited response attached.

Andy

From: McCarty, Rachael <rmccarty@washco-md.net>
Sent: Tuesday, August 4, 2020 3:35 PM
To: Bright, Andrew <abright@washco-md.net>
Cc: Desaulniers, Kendall A. <kdesaulniers@washco-md.net>
Subject: RE: Public information request from Justin Holder

Thanks, Andy.
I had just sent an email a few minutes earlier with a response to Mr. Holder.

Please see the attached.

Washington County MARYLAND

Rachael McCarty
Legal Secretary
Office of the County Attorney
Washington County Administration Complex
100 West Washington Street, Suite 1101
Hagerstown, MD 21740
P: (240) 313-2233 | F: 240-313-2231
www.washco-md.net

Get Connected and See Updates

NOTICE: This e-mail, including any attachments, is intended solely for the use of the addressee(s) and may contain confidential, proprietary and privileged information, the unauthorized disclosure or use of which is prohibited. If you are not the intended recipient of this email or if you received this e-mail in error, please immediately notify the sender by reply email and delete this e-mail and any attachments from your system. Thank you.

From: Bright, Andrew <abright@washco-md.net>
Sent: Tuesday, August 4, 2020 3:23 PM

To: McCarty, Rachael <rmccarty@washco-md.net>
Cc: Desaulniers, Kendall A. <kdesaulniers@washco-md.net>
Subject: Fw: Public information request from Justin Holder

Hey Rachael, FYI.

I will draft a denial response and send it over to you.

Andy

From: Michael, Joe <jmichael@washco-md.net>
Sent: Tuesday, August 4, 2020 3:07 PM
To: Bright, Andrew <abright@washco-md.net>
Subject: RE: Public information request from Justin Holder

Ongoing investigation and pending charges.

From: Bright, Andrew <abright@washco-md.net>
Sent: Tuesday, August 4, 2020 2:32 PM
To: Michael, Joe <jmichael@washco-md.net>
Cc: Downey, Kirk <kdowney@washco-md.net>
Subject: Public information request from Justin Holder

Hello Joe

As you will see from the thread below, we received a PIA request from a Justin Holder seeking emails from an email belonging to Christine or Scott Morral "and any sheriff, deputy, county official. " The search by IT yielded only these emails between the Morrals and you.

Question: are these emails records of any ongoing investigation, protected by GP Art., 4-351? If not, I think I should send them to him.

Andy

From: O'Neal, Joshua <joneal@washco-md.net>
Sent: Monday, August 3, 2020 4:16 PM
To: Bright, Andrew <abright@washco-md.net>
Cc: McCarty, Rachael <rmccarty@washco-md.net>
Subject: RE: 23rd(?) Public information request from Mr. Holder

16 emails fall under the parameters specified by Mr. Holder. Attached in a zip file.

-Josh

From: Bright, Andrew <abright@washco-md.net>
Sent: Monday, August 3, 2020 3:21 PM
To: O'Neal, Joshua <joneal@washco-md.net>
Cc: McCarty, Rachael <rmccarty@washco-md.net>
Subject: Fw: 23rd(?) Public information request from Mr. Holder

Josh

See PIA request below. As I have no idea how to define "county official" we should probably search for email correspondence with this person to or from any county employee for the given timeframe.

Thanks,

Andy

From: Justin Holder <jholder2004@gmail.com>
Sent: Monday, August 3, 2020 2:32 PM
To: Bright, Andrew <abright@washco-md.net>; Downey, Kirk <kdowney@washco-md.net>
Subject: Public information request

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

To whom it may concern:

Please provide all email correspondance from the following email address "Morral7@msn.com"and any sheriff, deputy, county official from May 19th to present.

Please provide time and cost in 10 days

Thank you,
Justin Holder

Kirk C. Downey
County Attorney

Washington County
MARYLAND

Kendall A. McPeak
Deputy County Attorney

B. Andrew Bright
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

June 23, 2020

Re: Public Information Act Request
dated 6/15/2020

jholder2004@gmail.com
Justin Holder
25 Antietam Drive
Keedysville, MD 21756

Dear Mr. Holder:

Our office is in receipt of your email dated June 15, 2020 requesting records pursuant to the Maryland Public Information Act, MD. Code, Gen'l Prov. Art. §§4–101 et seq. ("PIA"). Your request is set forth below.

> "Please provide all emails between the email address blevey@washco-md.net for the past 3 years. Please respond in 10 days with a time and cost."

The Director of Information Systems has determined that, as written, a search of all emails sent to and from blevey@washco-md.net during the requested period, resulted in 45,239 emails. Such a list of emails would require review by the County Attorney's office to determine which emails or portions of emails are privileged or otherwise shielded from production. The cost of review and duplication of the emails which are not exempt from production is estimated at $10,000.00.

As indicated in a previous letter, our office requires a deposit of one half the estimated amount in order to commence the search and retrieval of these records.

Sincerely,

B. Andrew Bright
Assistant County Attorney

PETITIONER'S EXHIBIT 2

PENGAD 800-631-6989

Jacob Weddle

Subject: Preservation of Evidence
Attachments: Washco Preservation Letter.pdf

---------- Forwarded message ---------
From: **Justin Holder** <jholder2004@gmail.com>
Date: Wed, Dec 23, 2020 at 2:44 PM
Subject: Preservation of Evidence
To: McCarty, Rachael <rmccarty@washco-md.net>
Cc: Downey, Kirk <kdowney@washco-md.net>, Bright, Andrew <abright@washco-md.net>

Mr. Downey,

Please see attached correspondence related to evidence. Please note the addition of Environmental law 9-503. Please note that each and every day is a new tort, a new fine, and a new crime of common law malfeasance.

Thank You,

Justin Holder

Justin Holder

308 West chapline st

Sharpsburg, Md 21782

(240) 356 -2008

Washington County Government 'Writ Large

Washington County Commissioners

Served only by Electronic Mail to <kdowney@washco-md.net> on 12/23/20:

Washington County Maryland Attorney

100 West Washington Street, Room 1101

Hagerstown, MD 21740

MPIA Request in 2020 and Tort Claim Notices 2020 - Documents, EMAILS, Correspondence, MDE Law 9-503 9-506, 9-521 and Environmental Standing ACT, County Road Repair

Dear Commissioners and agents/attorneys thereof,

I am sending you this letter regarding your clients' obligation to preserve and collect all electronically stored information ("ESI") related to the claims and defenses in the above matter for litigation. Because you have represented Washington County from the beginning of this matter, I am sure you have advised them of their duties to preserve and protect all potentially relevant materials. Nonetheless, we specifically request that you act immediately to preserve, protect and hold any potentially relevant materials, documents, files, and information to prevent the possible spoliation of evidence of the loss and/or destruction of materials that are discoverable in any potential future litigation. Failure to cooperate with this request may expose Washington County to potential liability, adverse evidentiary presumptions, and/or sanctions for spoliation of evidence.

This notice applies to any and all electronically stored information and/or paper documents or other tangible potential evidence in the possession, custody or control of you or the Commisioners, Administrator's, or agents thereof related to: Deleted documents, attachments, emails, text, facebook messages, whattsapp messages, or any other social media or instant messaging; (2) the emails that were deleted and in possession of Washington County 'writ large, and any subsequent found emails; (3) the events described in the Correspondance; and (4) any claims or defenses to be asserted in the instant litigation. This notice also applies to all on and off-site computer systems, and removable electronic media, as well as laptops, tablets, cell phones, service and storage devices (including all remote access and wireless devices) used by Washington County or it's agents thereof.

Specifically, Washington County was found to have deleted/lost Public Records or neglected statutory requirements, correspondance and emails. All Public Records, messages, email messages, call logs, and any other messages, communications, transmissions of any sort during or related to the subject matter of the litigation must be preserved. Please note that electronic devices and computer systems such as those used by Washington County contain information that is relevant to this matter but may not be user-accessible, although it would be accessible to a properly qualified expert. This information could include relevant information such as location data, web-browsing history, call logs and durations, etc., which is relevant to the verification of the data retrieved by the Forensic reconstruction expert. If Washington County or agents thereof utilized any sort of backup, whether through iCloud, iTunes, or any other physical or internet-based backup, those backups must be preserved. In some cases, the continued use of a pre-existing backup service, such as iCloud, will overwrite and destroy previous backups, which would destroy relevant information.

This notice also includes, without limitation, email and other electronic communications; electronically stored documents, records, images, video recordings, surveillance recordings, graphics, recordings, spreadsheets, financial statements, databases, calendars, system usage logs, contact manager information, telephone logs, internet usage files, deleted files, cache files, user information and other data. Further, this notice applies to archives, backup and disaster recovery tapes, discs, drives, cartridges, voice mail and other data. All operating systems, software, applications, hardware, operating manuals, codes, keys and other support information needed to fully search, use, and access the electronically stored information must also be preserved. This notice is applicable to Washington County , Commissioners, Administration, and all agents thereof.

The importance of immediate action cannot be overstated. Electronically stored information can easily be corrupted, altered, and/or deleted in normal daily operations. Booting a drive, running an application, or reviewing a document can permanently alter evidence. To protect all potential evidence and discoverable materials, a forensic image (mirror image or clone image) should be made of pertinent hard drives, solid-state drives, computers, phones, tablets and networks servers. This forensic image captures all current data, including the background or metadata about each document. Simply copying data to a flash drive, CD-ROM or other common back-up medium may not be adequate.

We request that you follow the above procedures to preserve paper and electronically stored information created after this notice.

Current law and rules of civil procedure apply to the discovery of electronically stored information just as they apply to other evidence, and confirm the duty to preserve such information for discovery. Washington County and their agents must take all reasonable steps to preserve this information until this litigation is finally resolved. Failure to take the necessary steps to preserve the information addressed in this letter or other pertinent information in Washington County s' possession or control may result in sanctions, civil liability or other penalties as provided by law.

To properly fulfill their preservation obligations, we ask that Washington County immediately stop all scheduled data destruction, electronic or physical shredding, rotation of backup tapes, and the sale, gift or destruction of hardware and ask that it please notify all individuals and affiliated organizations of the need and duty to take the necessary affirmative steps to comply with the duty to preserve evidence.

Respectfully,

Justin K. Holder

Justin Holder

KARPINSKI, CORNBROOKS & KARP, P.A.

ATTORNEYS AT LAW
120 East Baltimore Street, Suite 1850
Baltimore, Maryland 21202-1617

410-727-5000
FACSIMILE 410-727-0861
email: bkcklaw@aol.com
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KEVIN KARPINSKI *
E.I. CORNBROOKS, IV
MICHAEL B. RYND

J. MICHAEL COLLITON *
JASON C. PARKINS
DAN SCAPARDINE
ASHLEY C. FISHER

* Admitted in MD and DC

DANIEL KARP *
OF COUNSEL

RICHARD COLARESI
RETIRED

September 27, 2021

via email jholder2004@gmail.com only
Justin Holder
308 West Chapline Street
Sharpsburg, Maryland 21782

RE: Public Information Act Request
dated 8/30/2021

Dear Mr. Holder:

I am in receipt of your August 30, 2021 email, which is acknowledged as persistence of recent related email requests dated July 21, July 22, August 4 and August 20, 2021, several previous 2020 requests including those dated June 15th and June 23rd for blevey@washc-md.net emails; August 3rd for morral7@msn.com emails; September 14th for emails between blevey@washco-md.net and hullscraneservice@hotmail.com; October 14th for a renewal of the August 3rd request for morral7@msn.com emails; October 16th for morral6@msn.com emails; and October 19th and November 4th for blevey@washco-md.net emails, as well as an additional 2021 email request dated May 13th for clmorral@gmail.com emails, among others. Your email(s) request records pursuant to the Maryland Public Information Act, Md. Code Ann., Gen'l Prov. Art. §§4-101 *et seq.* ("PIA"). Your July 21 and August 30, 2021 requests and the County's correlating response are set forth below.

July 21, 2021: "All emails/correspondence/communication with the Sheriff's Department and/or another county official/employee; Sent or Received; With the email address Morral7@msn.com. Please include: all emails/correspondence/communication in which the email Morral7@msn.com is a party aforesaid email; to include forwarded emails or cc, such as a June 2nd, 2020 email forwarded to blevey@washco-md.net from townhall@keedysvillemd.com

originally sent from Morral7@msn.com on May 29th, 2020. Please include all attachments to the aforesaid emails.

August 31, 2021: "I have the emails between the address requested and sao. I also have 1 email to the Sheriff. I specifically requested the emails sent June 2nd, 2020 to blevey@washco-md.net. I have not received those emails. I have undisputed proof and personal knowledge these emails exist."

The County's Director of Information Systems has conducted a search of the County's email system based on the search parameters set forth in your requests. No records, other than what was provided to you by my office on August 23, 2021, were retrieved.

Please note that although the County email system is administered by the County Division of Information Technology, it is the discretion of each individual system user as to how all communications are saved and filed, including emails sent or received through the email account. As a means of organization, some users delete emails as soon as the related matter has been handled. Deleted emails are no longer accessible after a certain time period. The established email system retention settings no longer cover the date range you've indicated. We have found nothing to satisfy your request(s), no matter how the search parameters are manipulated, due to system retention constraints.

Sincerely yours,

KARPINSKI, CORNBROOKS & KARP, P.A.

/s/

BY: Kevin Karpinski

KK:bjap

TOWN OF KEEDYSVILLE, MARYLAND

"Where Northern Thrift and Personality Blend with Southern Charm and Hospitality"

P.O. Box 359
19 South Main Street
Keedysville, MD 21756
301-432-5795
townhall@keedysvillemd.com
www.keedysvillemd.com

Ken Lord, Mayor
Brandon Sweeney, Assistant Mayor
Judy Kerns, Council
Matt Hull, Council
Sarah Baker, Council

Certification of Records

September 1, 2023

Request Number 2023-05

Request – PIA 035 Response

The attached 3 pages are true and accurate copies of records maintained by the Town of Keedysville.

Lisa Riner

Lisa Riner
Town Administrator

PETITIONER'S EXHIBIT 5

TOWN OF KEEDYSVILLE, MARYLAND

"Where Northern Thrift and Personality Blend with Southern Charm and Hospitality"

P.O. Box 359
19 South Main Street
Keedysville, MD 21756
301-432-5795
www.keedysvillemd.com

Ken Lord, Mayor
Barry Levey, Assistant Mayor
Gina Ellis, Council Member
Judy Kerns, Council Member
Matthew Hull, Council Member

Public Information Act Response

Number: 035

Date: 10/16/20

Name: Justin Holder

Address: P.O. Box 420, Sharpsburg, MD 21782

Phone Number:

Please list items requested below (use separate sheet if necessary):

In which the attachment "video.mov" media file produced by Christine Morral of 138 stonecrest circle on May 29th, 2020 was attached to said transmission.

from date range May 28th, 2020 until present.

Please do not send the media as an attachment to this request, just disclose emails as it was attached.

Response
The emails are included.

Compilation Labor Fee (Hour at $19.00/hour): $0.00
Copy Fee (Copies @ $0.13): $0.00
Total: $0.00

_____

Requester's Signature and Date

townhall@keedysvillemd.com

From: Christine Morral <morral7@msn.com>
Sent: Friday, May 29, 2020 11:55 AM
To: townhall@keedysvillemd.com
Subject: Re: Please advise
Attachments: image0.jpeg; ATT00001.htm; Video.mov; ATT00002.htm; Video_1.mov; ATT00003.htm

townhall@keedysvillemd.com

From: townhall@keedysvillemd.com
Sent: Monday, June 1, 2020 8:12 AM
To: Levey, Barry; Barry Levey ; Gina Ellis; Judy Kerns; mayorkenlord@gmail.com; Matt Hull
Subject: FW: Please advise
Attachments: image0.jpeg; ATT00001.htm; Video.mov; ATT00002.htm; Video_1.mov; ATT00003.htm

Thanks,

Rick Bishop
Town Administrator
P.O. Box 359
Keedysville, MD 21756
301-432-5795

Office Hours Mon.-Wed. 8:00-4:30; Th.-Fri. 8:00-Noon

From: Christine Morral <morral7@msn.com>
Sent: Friday, May 29, 2020 11:55 AM
To: townhall@keedysvillemd.com
Subject: Re: Please advise

E0777

MARYLAND NATURAL RESOURCES COMPLAINT AND CITATION

Corporation:	
Name: JUSTIN KYLE HOLDER	
Address: 308 W CHAPLINE ST	
City: SHARPSBURG	State: MD Zip: 21782
Height: 601 Weight: 202 Race: 2	Sex: M DOB: 7/5/1977
License Number: H436454485534	State: MD Class: CM
NR ID Number: No NR ID	
Violation Date: 6/8/2020 Time: 09:49 Veh/Boat Reg: NONE	State: XX
Year: Make: NONE Model: NONE	Color: N/A
Location: WEVERTON ROXBURY RAIL TRL @ ANTIETAM DR.	
County: WASHINGTON - 21	MD Loc Code: NR
DID UNLAWFULLY VIOLATE:	

CITATION NO. ART/SEC/CHARGE	PAYABLE FINE AMOUNT
1. NR00F0M0T MR - 08-07.06.13(B1) DISTURB A PLANT, ROCK, MINERAL	$55
2. NR00G0M0T MR - 08-07.06.13(B2) DESTROY A TREE	$450
3. NR00H0M0T MR - 08-07.06.14(D1) DRIVING IN A NON-DESIGNATED AREA	$270
4. NR00J0M0T MR - 08-07.06.24(B) PRIVATE CLEARING ON STATE PARK LANDS	$450

RECEIVED JUN 2 4 2020 DIST. COURT OF MD 11

YOU WILL RECEIVE OFFICIAL NOTICE IN THE MAIL OF THE COURT LOCATION, DATE AND TIME.

I SOLEMNLY AFFIRM UNDER THE PENALTY OF PERJURY THAT THE CONTENT OF THE FOREGOING DOCUMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF AND I PERSONALLY SERVED THIS SUMMONS ON THE DEFENDANT NAMED ABOVE.

☑ VISUAL COMPARISON WAS MADE BETWEEN DEFENDANT AND THEIR ID/LICENSE.

OFFICER SIGNATURE

DISTRICT 11 NO 02 AGENCY NRP SUB-AGENCY 1002 ID NO. 1586

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS SUMMONS. I UNDERSTAND THAT ACCEPTANCE OF THIS SUMMONS IS NOT AN ADMISSION OF GUILT.

ISSUED ELECTRONICALLY -- SIGNATURE NOT REQUIRED

A warrant will be issued for the arrest of any defendant who has failed to appear for trial or who has failed to pay their fine on or before the date set for trial. In this case, there is an additional fine of $100. You may post the original fine and the $100 fine for failing to appear to request a new trial date. The Department of of Natural Recources may immediately suspend your license and may deny any new license until you appear in court to answer the charge(s).

If you are deemed guilty of the offense charged on this citation, either by prepaying the fine or through a court judgment and/or fine, the Department of Natural Resources may take civil administrative enforcement action to suspend or revoke your fishing or hunting privileges or seek restitution through a separate proceeding before the Office of Administrative Hearings. Maryland is a member of the Interstate Wildlife Violator Compact, therefore, a suspension or revocation of your fishing or hunting privileges may also affect/impact your privileges in other member states.

NR-ECITATION (Rev. 10/2017)

NOTICE TO THE DEFENDANT

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within five days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer has entered an appearance to represent you.
4. You have the right to have a lawyer.
5. A lawyer can be helpful to you by:
   - A. explaining the charges in this paper;
   - B. telling you the possible penalties;
   - C. explaining any potential collateral consequences of a conviction, including immigration consequences;
   - D. helping you at trial;
   - E. helping you protect your constitutional rights; and
   - F. helping you get a fair penalty if convicted.
6. Even if you plan to plead guilty, a lawyer can be helpful.
7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.2 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. To apply for Public Defender representation, contact a District Court commissioner.
8. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
9. DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may have to go to trial without one.

Any reasonable accomodation for persons with disabilities should be requested by contacting the court prior to trial. Hearing/speech impaired callers only, call Maryland RELAY: 711

If your name or address is not correct, you must notify the Court in writing of any changes. Include your citation number.

If your citation/violation is marked "You Must Appear", this is a summons to appear. You must appear as directed on the citation, or when notified by the Court.

If you have been charged with an offense with a prepayable fine, you may stand trial to contest your guilt on the date shown on this citation or when notified by the Court.

If you wish to plead guilty, without a hearing by paying the fine:

1. Bring the citation to the District Court designated below and pay the prepayable fine amount; or
2. Sign the statement below and mail the statement with a check or money order for the prepayable fine(s) to the District Court designated below.

Make checks payable to "District Court of Maryland". An additional $10 service fee will be imposed for each dishonored check.

NOTE: Payment of the fine is considered an admission of guilt.

CITATION PAYMENT OPTION FORM

Return To:
District Court of MD
36 W. Antietam Street
Hagerstown, MD 21740-5524

NAME: JUSTIN KYLE HOLDER DISTRICT/NO 11/02
☐ Check if change from address on citation.
ADDRESS
City, State, Zip Telephone No.

NR00F0M0T		MR - 08-07.06.13(B1) | PAY FINE AMOUNT $55
NR00G0M0T		MR - 08-07.06.13(B2) | PAY FINE AMOUNT $450
NR00H0M0T		MR - 08-07.06.14(D1) | PAY FINE AMOUNT $270
NR00J0M0T		MR - 08-07.06.24(B) | PAY FINE AMOUNT $450

APPEARANCE, PLEA OF GUILTY AND WAIVER

I, the Defendant, named above, do hereby enter my appearance on the complaint of the offense(s) charged. I am aware I have the right to a hearing by the Court; the right to stand trial; to have counsel of my choice (or have counsel appointed for me if I cannot afford counsel); that my signature to this plea of guilty will have the same force and effect as a judgment of the Court and record will be sent to the Department of Natural Resources of this State. I do hereby plead guilty to said offense(s) and waive my right to counsel and to a hearing by the Court.

DATE DEFENDANT'S SIGNATURE

PENCAD 800-631-6989

PETITIONER'S EXHIBIT 6